

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 8:22-cv-01267-RGK(MAR) Date: September 14, 2022

Title *Roberto Leveron v. City of Santa Ana et al*

Present: The Honorable: MARGO A. ROCCONI, UNITED STATES MAGISTRATE JUDGE

ERICA BUSTOS

Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

**Proceedings: (In Chambers) ORDER TO SHOW CAUSE RE: DISMISSAL FOR LACK OF PROSECUTION**

On June 29, 2022, Roberto Leveron (“Plaintiff”) proceeding pro se, constructively filed a Complaint (“Complaint”) under 42 U.S.C. § 1983. ECF Docket No. (“Dkt.”) 1. With his Complaint, Plaintiff also filed a motion seeking injunctive relief. Dkt. 6. On July 12, 2022, the Court denied Plaintiff’s request for injunctive relief. Dkt. 6.

On July 22, 2022, the Court dismissed the Complaint with leave to amend (“ODLA”), granting Plaintiff until August 22, 2022, to either: (1) file a First Amended Complaint; (2) file a notice that he intends to stand on the allegations in the Complaint; or (3) voluntarily dismiss the action without prejudice. Dkt. 13 at 24–25. The ODLA cautioned Plaintiff that failure to timely file a response to the ODLA “will result” in the dismissal of the Complaint for failure to prosecute. Id. at 25.

On August 5, 2022, Plaintiff filed a second motion for injunctive relief, which was identical to his first. Dkt. 15. On August 10, 2022, the Court denied Plaintiff’s motion. Dkt. 18.

To date, Petitioner has not filed a First Amended Complaint or responded to the ODLA. Accordingly, Plaintiff is ordered to show cause in writing **within twenty-one (21) days** of this Order, **by October 4, 2022**, why this action should not be dismissed under Rule 41(b) for failure to prosecute. See Fed. R. Civ. P. 41(b).

The Court will consider any of the following three (3) options to be an appropriate response to this OSC:

1. Plaintiff shall file a First Amended Complaint that addresses the deficiencies identified in the Court’s July 22, 2022 ODLA;
2. Plaintiff shall provide the Court with an explanation as to why he has failed to file a First Amended Complaint; or

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3. Plaintiff may voluntarily dismiss the action pursuant to Federal Rule of Civil Procedure 41(a). **The Clerk is directed to attach a Notice of Dismissal form for Plaintiff's convenience.**

Failure to respond to the Court's Order will result in the dismissal of the action.

**IT IS SO ORDERED.**

Initials of Preparer           :            
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| <b>UNITED STATES DISTRICT COURT<br/>CENTRAL DISTRICT OF CALIFORNIA</b>   |   |
| <div style="text-align: center; margin-top: 100px;">v.</div> <div style="text-align: right; margin-top: 20px;">Plaintiff(s),</div> <div style="text-align: right; margin-top: 20px;">Defendant(s).</div> | <div style="text-align: center; margin-top: 20px;">CASE NUMBER</div> <hr style="border: 0.5px solid black;"/> <div style="text-align: center; margin-top: 20px;"> <b>NOTICE OF DISMISSAL PURSUANT<br/>TO FEDERAL RULES OF CIVIL<br/>PROCEDURE 41(a) or (c)</b> </div> |

PLEASE TAKE NOTICE: (*Check one*)

- ☐ This action is dismissed by the Plaintiff(s) in its entirety.
- ☐ The Counterclaim brought by Claimant(s) \_\_\_\_\_ is dismissed by Claimant(s) in its entirety.
- ☐ The Cross-Claim brought by Claimants(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- ☐ The Third-party Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- ☐ **ONLY** Defendant(s) \_\_\_\_\_

\_\_\_\_\_ is/are dismissed from (*check one*) ☐ Complaint, ☐ Counterclaim, ☐ Cross-claim, ☐ Third-Party Claim brought by \_\_\_\_\_.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of Attorney/Party**NOTE: F.R.Civ.P. 41(a):** *This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.***F.R.Civ.P. 41(c):** *Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.*